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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

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EXECUTIVE DIRECTOR

December 20, 2013

Alfred LaPlante
dba Chet's Camps
140 Chet Camp Rd
Grand Lake Stream, ME 04668

Subject: ADVISORY RULING AR 13-15; Grand Lake Stream Plt., Washington County

Dear Mr. LaPlante:

Thank you for the information provided in your request for an Advisory Ruling. You have asked our opinion on the division and sale of a portion of your lot in Rangeley Plantation. We will attempt to provide our view on the matters as we understand them, pursuant to 5 M.R.S.A. 9001. I want to caution however, this is an informal response and not a legal determination. You may want to consult your attorney on this matter. Of course, in providing our views on these matters, we have relied entirely upon the facts as you have presented them to us.

Background Information

According to the information you have provided, you and your wife are the current owners of Taxation Plan 08 Lot #1 in the Grand Lake Stream Plantation. The subject parcel is approximately 3.25 acres in size with approximately 640 feet of shoreline frontage on Big Lake and 386 feet of road frontage on Chet's Camp Road. The parcel is depicted as Lot #1 on "Survey of Leased Lots" for Webber Timberlands dated December 17, 1983 and recorded in the Washington County Registry of Deeds, Hanger 2 – Slide 23. The lot has not been divided since prior to 1983. The parcel is designated as (D-RS) Residential Development Subdistrict and as (P-FP) Flood Prone Area Protection Subdistrict by virtue of Section 10.23,C,2 of the Commission's Land Use Districts and Standards.

The subject parcel was originally developed with a set of Commercial Sporting Camps known as "Chet's Camps". In August of 2002, Development Permit DP 4627 was issued to Robert W. and Judith Miller and yourself, granting permit approval to construct a permanent home with porch and install a combined sewage disposal system on the subject parcel, still leased by Prentiss & Carlisle Management Company at that time. You indicate that the authorized home has been constructed. On February 17, 2009, you and your wife purchased the subject parcel (Reference Book 3497 Page 6; Washington County Registry of Deeds). Your deed states that "Lot 1 may be divided, one time only, into two lots, subject to applicable laws, regulations and ordinances, and permit or license requirements." Lot 1 has never been divided.

Proposal/Inquiry

You now propose to divide the subject parcel into 2 lots, creating one lot for the commercial sporting camp facility and another lot for the home. The proposed "Sporting Camp Lot" would be approximately 2.33 acres in size with approximately 640 feet of shoreline frontage on Big Lake and approximately 160 feet of road

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frontage on Chet's Camp Road. The proposed "House Lot" would be approximately 0.92 acres (40,000 sq. ft.) in size with no shoreline frontage on Big Lake and approximately 225 feet of road frontage on Chet's Camp Road. All existing residential structures and those structures within Chet's Camps used solely for the housing of guests would be set back at least 15 feet from the new property line. The existing Lodge would be set back at least 25 feet from the new property line, but two sheds that are part of the commercial sporting camp facility would be located only a few feet from the new property line. You indicated during a phone call with me on December 17, 2013, that you either plan to remove the two sheds or relocate them with a Development Permit amendment prior to creating the new property line. An Application for Non-Residential Development is enclosed for your convenience. You have asked that the Commission confirm that the proposed land division would be legal in respect to the Commission's subdivision standards and dimensional requirements. Finally you plan to apply for a permit for a garage on the "House Lot" in the near future and have requested that an application form be mailed to you. Therefore, an application for a Building Permit has also been enclosed.

Relevant Standards

Section 10.02, (186), of the Commission's Land Use Districts and Standards states that "except as provided in 12 M.R.S.A § 682-B, "subdivision" means a division of an existing parcel into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of land or by leasing."

Pursuant to Sub-Chapter III, Section 10.26 of the Commission's Land Use Districts and Standards, the dimensional requirements for lots with residential uses include: a minimum lot size of 40,000 square feet per dwelling; a minimum 200 foot water frontage per dwelling on a body of standing water 10 acres or greater in size; and a minimum 100 foot road frontage per dwelling on roads. The minimum setbacks for residential structures include: 100 feet from the normal high water mark of a body of standing water 10 acres or greater in size; 50 feet from the traveled portion of roads; and 15 feet from property lines. These setbacks also apply to structures within a recreational lodging facility constructed solely for the housing of guests.

Pursuant to Sub-Chapter III, Section 10.26 of the Commission's Land Use Districts and Standards, the dimensional requirements for lots with commercial, industrial or other non-residential uses include: a minimum lot size of 40,000 square feet; a minimum 300 foot water frontage on a body of standing water 10 acres or greater in size; and a minimum 200 foot road frontage on roads. The minimum setbacks for commercial, industrial and other non-residential structures include: 150 feet from the normal high water mark of a body of standing water 10 acres or greater in size; 75 feet from the traveled portion of roads; and 25 feet from property lines.

Interpretation

Based upon the information you have provided, it appears that a subdivision permit from the Commission would not be required for the proposed division of your land as shown on the submitted plans and as described in your request. In addition, it appears that your proposed lots would meet the Commission's minimum lot size, shoreline frontage and road frontage requirements for their proposed uses and that all existing structures would be in compliance with the Commission's minimum setback requirements from property lines, except for the two non-residential sheds, which would be removed or relocated to meet the minimum requirements from property boundary lines.

Please be aware that any land division activities other than those which you have described within your request may, or may have, require(d) prior Commission review and/or rezoning, or may be prohibited under provisions of the Commission's Land Use Districts and Standards. Please contact the Commission if you plan any changes.

Should you have any further questions, please contact Karen Bolstridge at the Bangor Office at (207) 941-4052.

Sincerely,



Jean Flannery
Division Manager
Permitting and Compliance Division

JF/BJM

xc: AR 13-15 File
Building Permit Application
Application for Nonresidential Development